COHEN&GREEN

July 28, 2020

Hon. Analisa Torres, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 15D
New York, NY 10007

By Electronic Filing.

> Re: Response to ECF No. 66,
>   Gallagher et al. v. New York State Board of Elections et al., 20-cv-5504

Dear Judge Torres:

As your Honor knows, we represent the Plaintiffs in the matter named above. I write briefly to address the State Defendants' letter, in the interest of simply keeping the record clear. The State Defendants say that we "have refused to acknowledge the State Defendants' objections in their submission." ECF No. 66 at 1. That's not quite accurate (and we explained this to counsel).

Because the Court called for printed submissions and we needed to ensure timely delivery, last night at 10:17 p.m., we provided an exhibit list and copies of all of our intended exhibits, and asked that all parties "let [us] know your objections, if any, no later than 9:30 a.m. tomorrow," in order to allow time to print, review, and deliver the exhibit package. The City Defendants provided their objections at 9:32 a.m., which we were able to incorporate before printing. However, by the time the State Defendants provided objections, we had already finalized the paper submission. At no point did the State Defendants ask us to hold off on printing, or otherwise let us know that they intended to send objections – or indeed, provided any other document or information – until 10:12 this morning.

As I explained prior to Mr. Conroy's letter, "given Judge Torres' requirement that we provide paper copies, we've already printed our submission" and finalized it in the form that was filed. If I had not already sent the paper copy, I would have been happy to incorporate the objections.

Respectfully submitted,

/s/ J. Remy Green
_____

J. Remy Green
   Honorific/Pronouns: Mx., they/their/them
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cc:
All relevant parties by ECF and email.